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Promotion and protection of all human rights, civil, political, economic, social and cultural rights,
including the right to development

Written statement* submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Pakistan: Freedom of Expression under Threat[1]

In December 2014, Pakistan faced a shocking terrorist attack that took 126 lives including the lives of over 100 [2]children. In response to this Pakistan formulated a National Action Plan[3] (NAP) to counter terrorism. This plan has serious implications on the human rights situation in the country. From the lifting of moratorium on capital punishment[4] to drafting of laws that are regressive and draconian[5], the NAP is pushing Pakistan to new depths in the human rights scale. In this context the right to freedom of expression and freedom of religious expression are particularly under siege in an emerging environment of fear and insecurity. Pakistan ratified the International Covenant for Civil and Political rights, ICCPR in 2010, with reservations on various articles including Article 19[6]. The implications of this reservation have never been more obvious.

In the last two years Pakistani media and digital spaces have seen an increase in restrictions imposed by both state and non-state actors. Some of these restrictions are directly imposed and some are an indirect result of prevailing impunity for state and non-state actors who threaten and attack journalists and bloggers for political or ideological expression. The following is an overview of our concerns and recommendations regarding the situation of freedom of expression in the country. .

Increased restrictions on the Freedom of Expression in Pakistan

Since the last Universal Periodic Review Cycle, we have documented an increase in restrictions on freedom of expression in Pakistan. These restrictions include content blocking, suspension of communication services[7], attempts to enact draconian laws that compromise human rights in name of counter terrorism[8], national security and morality. Since the last UPR of Pakistan in March 2013, mainstream media channels have been brought to court on blasphemy charges and suspended from broadcast following a rift with security agencies. A total of 25 journalists have been killed[9]. Two bloggers have been arrested on blasphemy charges and the even Federal Minister for Information and Broadcasting himself become a target of violent hate speech for expressing views that were seen as offensive by right wing religious groups.

Impunity

The government has not taken effective steps to tackle challenges to the freedom of expression including threats to journalists covering or blogging on sensitive issues. The government has failed to end the culture of impunity. As a

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[1] Bytes for All, Pakistan, a member organisation of FORUM-ASIA in Pakistan, associates itself with this Statement.
[2] More than 100 children killed in Taliban attack on Pakistan school, The Guardian (Dec 2014)- http://www.theguardian.com/world/2014/dec/16/taliban-attack-army-public-school-pakistan-peshawar
[3] National Action Plan, National Counter Terrorism Authority (January 2015) - http://nacta.gov.pk/Download_s/Presentations/National_Action_Plan_NACTA_Pakistan.pdf
[4] Death penalty moratorium lifted completely in Pakistan: Officials, Dawn, (March 2015) - http://www.dawn.com/news/1168652
[5] Hate speech, crime glorification to be punished under cyber law, The News (Aprul 2015) - http://www.thenews.com.pk/Todays-News-2-314874-Hate-speech-crime-glorification-to-be-punished-under-cyber-law
[6] Upon signature Reservation to ICCPR filed by Pakistan on articles 3, 6, 7, 12, 13, 18, 19, 25 and 40, "The Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws."
[7] Bytes for All urges government to clarify reports of mobile shutdown in Islamabad, Bytes for All (February 2015) - https://content.bytesforall.pk/node/163
[8] Leaked draft of Prevention of Electronic Crimes bill draconian and against principles of FoE and FoI, Bytes for All (April 2015) - https://content.bytesforall.pk/node/165
[9] Safe Nowhere: The plight of journalists in Pakistan, Media Matters for Democracy (April 2015) - http://mediamatterspakistan.org/safe-nowhere-plight-of-journalists-in-pakistan-key-trends/

result, killings targeting expression have increased and threaten civil society actors[10] who express diverging political or ideological views. These killings create an environment where journalists, bloggers and human rights defenders fear the consequences of free speech. This has seriously undermined their ability to document violations and advocate for human rights.

Blasphemy Laws

We are particularly concerned by the abuse of Blasphemy laws and the impunity enjoyed by mobs involved in extra judicial killings in the name of blasphemy. Other discriminatory laws that define a restricted framework for expression, especially for religious minorities are also a serious cause of concern. These laws[11], enacted by parliament, have become a tool of exploitation at the hands of state authorities and vigilante mobs – who freely kill in the name of religion without having faced any consequences for such killings in the past.

Digital Space

In the digital sphere, the situation remains dismal. Restrictions on various web platforms are in place. Youtube, the world's largest video sharing service, has been blocked since September 2012 and has remained inaccessible despite various efforts from the civil society, including a petition[12] in the Lahore High Court. Instances of websites, blogs[13] and Facebook pages being taken down for writing on issues seen as sensitive by the government and the security establishment has become more and more frequent. A new bill being drafted for Cybercrime Prevention currently adheres to an abusive counter terrorism framework which in turn compromises citizen rights online. On the other hand, hate speech and incitement to violence against bloggers has led to shrinking of women's voices online and there is at least one documented case of an attempt on a blogger's life following an online hate campaign.

RECOMMENDATIONS

The UN Human Right Council, its members and observer states should urge the Government of Pakistan:

1. To invite the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, for an official country visit.

2. To take effective measures regarding blasphemy laws and end the culture of impunity for those involved in extra judicial killing of people accused of blasphemy.

3. To stop the violations of freedom of expression in the name of counter terrorism and enact laws that protects citizen rights including their right to freedom of expression. This is especially important in the context of new laws that are being drafted, particularly Pakistan Electronic Crime Prevention Bill, 2015.

4. Ensure effective implementation of the recommendations on the freedom of expression accepted by Pakistan at its last UPR in 2012. Pakistan should in particular implement, among others, a UPR recommendation it noted in 2012 (122.127). The recommendation asked Pakistan to "Remove restrictions on accessing internet in the country, which runs counter to the criteria of the ICCPR and the principle of proportionality". Generic bans on digital content and blocking of access to political speech on sensitive issues remains common place. With the Youtube ban in place

[10] End Impunity and Bring Perpetrators of Sabeen to Justice. Bytes for All (April, 2015) - https://content.bytesforall.pk/node/168
[11] Article 295 – 298, Pakistan Penal Code – Article XV – Of offences related to religion. http://www.pakistani.org/pakistan/legislation/1860/actXLV of1860.html
[12] 22nd Hearing of Internet Freedom Case - Youtube ban remains until review by the Supreme Court of Pakistan. Bytes for All (November 2014) - https://content.bytesforall.pk/node/156
[13] WordPress ban, Dawn, (March 2015) - http://www.dawn.com/news/1171842

since 2012 and an increasing number of reports of political content being taken down, the government is failing to ensure the rights to freedom of expression, opinion and information.

5. Take immediate measures to tackle the challenges to freedom of expression created by state and non-state actors by fully accepting and implementing Article 19 of ICCPR and ensuring the protection of journalists and bloggers from violence, targeting and threats. Pro-rights policies that encourage independent political expression also need to be adopted.

6. End impunity for the targeting of journalists and ensure that the killers of all 105 journalists killed since 2000 are brought to justice. Additionally Pakistan must ensure the implementation of the UN Plan of Action on the Safety of Journalists; end Impunity; enact a law for the protection of media workers; and improve Pakistan's performance on Journalist Safety Indicators.

7. Create an enabling environment to minimise technology driven gender-based violence and promote safe online spaces for women of all ages in the country.